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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. C 12-04416 WHA

Plaintiff,

v.

\$237,632.29 In Funds Seized From Bank of
America Acct #XXXXX52266 and
\$60,435.65 In Funds Seized From
JPMorgan Chase Acct #XXXX26654,

**ORDER RE CITI ALLIANCE
TELECARD, INC.'S STATEMENT**

Defendants.

The Court has received Citi Alliance Telecard, Inc.'s "separate case management statement" contesting the government's unilateral dismissal of this action on or around September 25, 2012 (Dkt. Nos. 14 and 17). The government's notice of withdrawal of its proposed order of voluntary dismissal states that no answer was filed until September 25 (Dkt. No. 17). The government filed its original notice of dismissal on September 24. Thus, the government states that it may voluntarily dismiss an action pursuant to FRCP 41(a)(1) without court order. Citi Alliance Telecard contends that the government may not unilaterally dismiss the action, and states that it "will shortly file a motion addressing this point." Citi Alliance Telecard may file such motion on a 35-day track pursuant to the Local Rules. The motion must be filed by **NOON ON OCTOBER 8, 2012**. The case management conference, previously scheduled for October 4, shall remain off calendar.

IT IS SO ORDERED.

Dated: October 3, 2012.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE